

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA ,

Plaintiff,

v.

DENNIS PELTIER, *et al.*,

Defendants.

CASE NO. CR19-0115-JCC

ORDER

This matter comes before the Court on the Government's Motion to Seal Supplement to Government's Trial Brief (Dkt. No. 133); its Motion to Seal Exhibits A and B to its Supplemental Submission regarding Statements by Witness J.G. (Dkt. No. 153); its Motion to Seal Exhibits A and B to its Supplemental Motion re: First Responder Evidence (Dkt. No. 161); its Motion to Seal Unredacted Versions of Opening and Closing Argument PowerPoint Slides (Dkt. No. 216); and Defendant Dennis Peltier's and the Government's motions to seal their respective sentencing memoranda (Dkt. Nos. 221, 223) (collectively the "Motions"). Having thoroughly considered the parties' briefing and the relevant record, the Court GRANTS the Motions for the reasons below.

I. DISCUSSION

The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe Newspaper Co. v. Super. Ct. for Norfolk Cty.*, 457 U.S. 596, 606 (1982). The public also has a common law right to inspect and copy public records, including those from judicial proceedings.

1 *See Nixon v. Warner Commc 'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They
2 must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely
3 to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for
4 protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

5 Although the Motions' arguments are somewhat conclusory (*see, e.g.*, Dkt. No. 133)
6 (simply asserting the existence of "sensitive information"), the Court has reviewed the documents
7 at issue and finds that sealing them would serve a compelling interest in protecting the privacy and
8 safety of litigants, crime victims, and witnesses. The procedural posture of the case—Defendant
9 Dennis Peltier has been sentenced and Defendant Joseph Sam has been convicted at trial—also
10 favors granting the Motions. *Cf. Perry v. Brown*, 667 F.3d 1078, 1087 (9th Cir. 2012) (parties'
11 reliance interest in maintaining confidentiality of previously sealed records favored keeping them
12 under seal). There is a substantial likelihood of harm to these interests if these documents are not
13 sealed, and there are no less restrictive ways for protecting these interests. Additionally, the
14 Motions are unopposed.

15 **II. CONCLUSION**

16 For the foregoing reasons, the Court hereby GRANTS the Motions (Dkt. Nos. 133, 153,
17 161, 216, 221, 223).

18 DATED this 6th day of August 2021.

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22 John C. Coughenour
23 UNITED STATES DISTRICT JUDGE
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